

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**
Reorganizational Meeting

Meeting of January 22, 2015

Members Present

Greg Sirb
David Dowling
Jeff Staub
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe

CALL TO ORDER

Mr. Turner called the reorganizational meeting of the Lower Paxton Township Zoning Hearing Board to order at 7 p.m., on January 22, 2015 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

ELECTION OF OFFICERS

Mr. Sirb made a motion to nominate David Dowling as Chairperson. Ms. Cate seconded the motion. Mr. Turner called for a voice vote and a unanimous vote followed.

Mr. Sirb made a motion to nominate Jeff Staub as the Vice-Chairman. Ms. Cate seconded the motion. Mr. Dowling called for a voice vote and a unanimous vote followed.

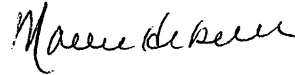
Mr. Dowling made a motion to reappoint Maureen Heberle as the recording secretary, Filius and McLucas as the court reporter, Amanda Zerbe as the Zoning and Planning Officer, and James Turner of Turner and O'Connell as the Solicitor. Mr. Sirb seconded the motion. Mr. Dowling called for a voice vote and a unanimous vote followed.

Mr. Turner noted that all members, to include the alternates, need to be designated as hearing officers in the event there is a meeting without a quorum, a hearing officer can hear a case. Ms. Cate made a motion to appoint all Zoning Hearing Board members as hearing officers. Mr. Sirb seconded the motion. Mr. Dowling call for a voice vote and a unanimous vote followed.

Mr. Staub suggested that the Board should set the times and date for the Zoning Hearing Board meeting. Mr. Dowling noted that we typically have our meetings the last Thursday of the month but he does not know why we are wed to that date. Mr. Sirb noted that it is the fourth Thursday of the month unless there is a conflict of the solicitor or other boards. Mr. Turner suggested that initially it was other boards. Mr. Dowling suggested that we will keep it the fourth Thursday of the month subject to change. Mr. Turner noted that it is normally adjusted in November and December. Mr. Sirb made a motion to approve the fourth Thursday of the month as the meeting date. Mr. Staub seconded the motion. Mr. Dowling called for a voice vote and a unanimous vote followed.

Mr. Dowling adjourned the reorganization meeting at 7:02 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maureen A. Heberle".

Maureen A. Heberle
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of January 22, 2015

Members Present

David Dowling
Jeff Staub
Sara Jane Cate
Greg Sirb
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Amanda Zerbe

Docket 1370

Applicant: Rite Aid Corporation

Address: 30 Hunter Lane
Camp Hill, PA 18011

Property Owner: Rite Aid Corporation

Property Address: 4999 Jonestown Road
Harrisburg, PA 17109

Section 307.A Regulation for Specific Sign Types-Permanent Signs

The property is zoned CG, Commercial General and forty square feet is the maximum square footage of a freestanding sign.

The Applicant is requesting relief from the 40 square feet and proposes a freestanding sign that would be 82.92 square feet, 42.92 square feet in excess of the maximum permitted square footage.

Grounds: Section 714.A

Fees Paid: December 30, 2014

Property Posted: January 12, 2015

Advertisement: Appeared in The Paxton Herald on January 7, 2015 and January 14, 2015.

The hearing began at 7:02 p.m.

Mr. Ron Lucas of Stevens and Lee, 17 North Second Street, 16th Floor, Harrisburg, Pennsylvania noted that he would be representing the applicant.

Mr. Dowling swore in Justin Kuhn, P. E., BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011 and Joseph Lombardi,

Mr. Dowling swore in Amanda Zerbe, Planning and Zoning Officer for Lower Paxton Township.

Mr. Staub noted that he had to recuse himself from this hearing and the next special exception as he has a business relationship with both parties. Mr. Dowling recused Mr. Staub from both hearings. Mr. Tuner noted in Mr. Staub's absence, Mr. Watson Fisher, the alternate will sit on both cases. He also noted that from this point forward Mr. Alan Hansen who was an alternate was appointed to the Zoning Hearing Board on a full time basis by the Board of Supervisors during its January 5, 2015 meeting.

Mr. Dowling questioned if the appropriate fees were paid for this application and was the property posted. Ms. Zerbe advised that the appropriate fees were paid on December 30, 2014, and the hearing was advertised in The Paxton Herald on January 7, 2015 and January 14, 2015. She noted that the hearing notices were posted on January 13, 2015.

Mr. Dowling requested Ms. Zerbe to explain what ordinances pertain to this application. Ms. Zerbe answered that it is Section 307.A Regulation for Specific Sign Types-Permanent Signs for the property located at 4999 Jonestown Road. The property is zoned CG, Commercial General and forty square feet is the maximum square footage allowed for a freestanding sign. The Applicant is requesting relief from the 40 square feet and proposes a freestanding sign that would be 82.92 square feet, 42.92 square feet in excess of the maximum permitted square footage.

Mr. Lucas proceeded to distribute additional exhibits to the Board members.

Mr. Dowling informed Mr. Lucas that the Zoning Hearing Board members are well aware of the location for the property.

Mr. Lucas requested Mr. Kuhn to introduce himself. Mr. Justin Kuhn, P. E., noted that he works for BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011.

Mr. Lucas questioned Mr. Kuhn what he does for a living. Mr. Kuhn answer that he is a senior project manager for BL Companies for over 15 years.

Mr. Lucas questioned if Exhibit A-1 is his current resume and is it accurate. Mr. Kuhn answered yes.

Mr. Lucas questioned Mr. Kuhn what capacity he serves with BL Companies. Mr. Kuhn answered that he is the senior project manager overseeing land development.

Mr. Lucas questioned Mr. Kuhn if he was licensed in Pennsylvania. Mr. Kuhn answered yes. Mr. Lucas questioned Mr. Kuhn how long he was been doing this type of work. Mr. Kuhn answered 15 years. Mr. Lucas noted that he wanted to recognize Mr. Kuhn as an expert witness.

Mr. Dowling noted that Mr. Kuhn has testified before the Zoning Hearing Board before.

Mr. Lucas noted that Mr. Kuhn and the Board are familiar with the property and the application for the plan; he requested Mr. Kuhn to show the location of the current sign in relation to the property line. Mr. Kuhn pointed to the sign located next to the intersection with Devonshire Road and Jonestown Road that sits directly behind the sidewalk noting that it is 20 feet tall with several feet hanging over the sidewalk.

Mr. Lucas noted in the recent past a sewer line was placed across Devonshire Road property. Mr. Kuhn noted that it was installed within the last two weeks. (It was actually installed in June of 2014.)

Mr. Lucas requested Mr. Kuhn to point on the map where the proposed sign would be located. Mr. Kuhn noted that the cross hatched area on the map is the space available to place the sign based upon the sewer easement, clear site triangle and offset from the roadway.

Mr. Lucas noted that the sign detail that was submitted with the application shows what is proposed for the free standing sign. Mr. Kuhn answered yes. He questioned if the lower left hand corner of the plan shows the current free standing sign. Mr. Kuhn answered yes.

Mr. Lucas noted that it is Mr. Kuhn's understanding that the sign can be utilized by re-facing it. Mr. Kuhn answered that is correct. Mr. Lucas questioned if that includes an electric message board. Mr. Kuhn answered that currently it has a manual reader board but it could be replaced with an electronic message board.

Mr. Dowling questioned Ms. Zerbe is she concurs with what was said. Ms. Zerbe answered yes as it would be a pre-existing non-conforming sign.

Mr. Lucas questioned if it meets the height requirements. Mr. Kuhn answered yes as it is 20 feet tall. Mr. Lucas noted that the issue is with the total square footage. Mr. Kuhn answered that was correct.

Mr. Lucas noted that 40 square feet is permitted and he questioned Mr. Kuhn what is proposed for this sign. Mr. Kuhn answered that it is 82.92 square feet. Mr. Lucas questioned what is the size of the existing non-conforming sign. Mr. Kuhn answered that it is 105 square feet. Mr. Lucas questioned how much smaller would this sign be for what is currently there now. Mr. Kuhn answered that it is 23 square feet less.

Mr. Lucas questioned if the sign is less than five feet from the property line. Mr. Kuhn answered that it is not five feet, it is more than five feet from the right-of-way line but there is a unique situation for this property. He pointed to the right-of-way and noted that there is also a

secondary sidewalk easement. He noted if you look at the easement of the sidewalk, it is not five feet off the easement but it is five feet off of the right-of-way.

Mr. Dowling questioned how a sign like that was approved hanging over the sidewalk. Mr. Kuhn answered that he does not know in terms of dating back to the sign ordinance but that piece of sidewalk is not within the state right-of-way, there is a separate easement for it; therefore, it meets the five foot setback for the right-of-way but not for the easement for public sidewalk. Mr. Lucas answered that we are not sure how old the sign is noting that it was leased as a State Store for some years and before that Homestead Reality was in that location and there have been various uses. He noted when you look at the drawing, there was additional right-of-way taken or given to PennDOT some years ago.

Mr. Sirb noted that the sign and setback are non-conforming. Mr. Lucas noted that he believes so from the easement and there is the issue that part of the sign is over the sidewalk. He noted that it is high. Mr. Kuhn answered that the sign is 20 feet tall at the top and probably ten feet over the sidewalk. Mr. Lucas noted that is one of the issues for where the sign is located.

Mr. Lucas questioned, in addition to the existing free standing sign, how many signs the applicant is permitted on this property. Mr. Kuhn answered that the applicant would be allowed three free standing signs based on street frontage. Mr. Lucas questioned if each sign could be 40 square feet. Mr. Kuhn answered that is correct. Mr. Lucas questioned if the other two signs could be somewhere along Devonshire Road and... Mr. Kuhn answered Queen Avenue. Mr. Lucas noted that two more signs would provide for a total of 120 square feet. Mr. Kuhn agreed that it would be an additional 80 square feet.

Mr. Lucas noted for the location of Jonestown Road and Route 22 there is a lot of traffic in the area. Mr. Kuhn answered yes. Mr. Lucas noted that it is the main commercial artery in the Township. Mr. Kuhn answered yes. Mr. Lucas noted that it is the busiest commercial avenue outside the interstate. Mr. Kuhn answered that he would guess so especially with Devonshire Road.

Mr. Lucas noted that the location on the road where the store will be located, he questioned if he had photographs taken approaching the property from both the east and the west. Mr. Kuhn answered yes. Mr. Lucas noted that we have that as an exhibit to show and he requested Mr. Kuhn to show this. Mr. Kuhn noted that the aerial map for the site location shows the old existing building that has been demolished. He noted that he had taken photographs past the commercial center and before the Pep Boys next door. He noted on the other side of Jonestown Road at the Best Buy and the driveway next to the Best Buy he has taken photographs towards the site.

Mr. Lucas noted that he also has more pictures that were taken close up other than those provided as exhibits. He distributed additional pictures to the Board members.

Mr. Lucas noted that approaching from the east towards the property, the individual photographs are in the packet and they are labeled it Exhibit A-5.

Mr. Lucas requested Mr. Kuhn to describe the pictures that he took from the east. Mr. Kuhn explained that approaching from the east, at the driveway adjacent to the Best Buy you can see the Rite Aid building that is currently under construction but some trees block the existing sign. Mr. Lucas questioned where the trees are located. Mr. Kuhn answered that they are located along Devonshire Road on the property and further down in front of Pep Boys.

Mr. Lucas noted, on the property, the trees are street trees between the sidewalk and the street. Mr. Kuhn answered that they are between the sidewalk and street on Devonshire Road.

Mr. Kuhn noted from the driveway entrance at the Radio Shack, and also from Best Buy, the site is obscured by the existing traffic and some of the vegetation and other things in the area as well.

Mr. Lucas noted at that location is it a two-lane road heading westbound. Mr. Kuhn answered yes.

Mr. Lucas noted that there are also turn lanes and questioned how many lanes are there that approach the intersection. Mr. Kuhn answered that it is seven; four of which are west bound lanes. Mr. Lucas questioned if there is a right turn, left turn and two through lanes. Mr. Kuhn answered that was correct.

Mr. Lucas noted that there is a medium along this section of Route 22. Mr. Kuhn answered that was correct. Mr. Lucas questioned, as you approach the Rite Aid from the east, how would you access the property. Mr. Kuhn answered that a driver would have to make a left turn onto Devonshire Road and then turn onto Queen Avenue to enter by the rear of the building. Mr. Lucas noted if someone was approaching from the east they would have to be in the left turn lane to make a left turn. Mr. Kuhn answered that was correct.

Mr. Lucas noted approaching from the west... Mr. Kuhn noted from the west he displaced a photograph taken prior to the Pep Boys where you can see the street trees that obscures the existing sign, and two driveways back from Earl Avenue he has another photograph showing that you can see the Pep Boys street trees. Mr. Lucas noted that the street trees are in front of Pep Boys. Mr. Kuhn answered that is correct.

Mr. Lucas questioned where the entrance to the Rite Aid is located off of Jonestown Road is. Mr. Kuhn answered that there is an existing driveway entrance that site past the Pep Boys property that is a right in only. Mr. Lucas noted to access that driveway you would have to be in the right turn lane. Mr. Kuhn answered that is correct. Mr. Lucas noted in order to see it you would have to see the sign as you would not be able to view the building. Mr. Kuhn noted that was correct as you would have to see that the Rite Aid was coming up to be in the correct lane.

Mr. Lucas questioned in both instances, what are we trying to accomplish here for the site distance for the driveway. Mr. Kuhn answered that we are trying to accomplish that drivers can see the sign in time to safely maneuver their vehicle to get in the correct lane to enter the site.

Mr. Lucas questioned what the square footage is for the proposed sign. Mr. Kuhn answered that it is 82.9 square feet. Mr. Lucas noted that it is a reduction in the existing non-conforming sign. Mr. Kuhn answered that is correct. Mr. Lucas noted that would be for both size and location. Mr. Kuhn answered that is correct. Mr. Lucas noted that it would be located back away from the sidewalk. Mr. Kuhn answered that is correct, the sign would be back from the sidewalk to meet all setbacks for the right-of-way and the existing sewer easement.

Mr. Sirb questioned if the sign will no longer overhang the sidewalk anymore. Mr. Kuhn answered that it will not but he does not have the exact number and suggested that it will be over 15 feet from the back of the sidewalk. Mr. Lucas questioned if that would be from the pole or the sign itself. Mr. Kuhn answered that it would be from the first pole. Mr. Lucas noted that the sign starts on the other side of the pole. Mr. Lucas questioned if the 15 feet would be from the furthest edge of the sign. Mr. Kuhn answered that is correct.

Mr. Sirb noted that Rite Aid is going from 105 square feet to 82.3 square feet and it will not be putting the other two free standing signs that are permitted. Mr. Kuhn answered that is correct as they are only proposing one sign.

Ms. Cate noted that you will have signage on the building. Mr. Kuhn answered that is correct. Mr. Lucas noted that those signs were approved previously under the other application. He noted that the applicant would accept the condition that if this is approved that there will be no other free standing signs on the property. He would ask for that to be a condition of the approval.

Mr. Dowling questioned if the old sign is coming down. Mr. Lucas answered yes and it would be the other condition for the plan.

Mr. Lucas noted in looking at the site and the site distance, observing from Jonestown Road, do you think this is a minimum sign that people will be able to see it. Mr. Kuhn answered in terms of height, yes it would be. He noted that we adjusted it to 20 feet in height with all the vegetation, trying to catch the driver's eye from a safe distance.

Mr. Lucas questioned if this sign would have any impact on any of the neighboring properties. Mr. Lucas answered that he did not believe so.

Mr. Lucas questioned if there are commercial uses all around this property. Mr. Kuhn answered that is correct, noting that there is a Best Buy, Radio Shack and Pep Boys. Mr. Lucas noted that there is the shopping center with Gander Mountain. Mr. Kuhn answered that is correct.

Mr. Lucas noted if the Board has no further questions for Mr. Kuhn he would bring up Mr. Lombardi at this time.

Mr. Dowling questioned what Mr. Kuhn's professional opinion was for the effectiveness and safeness of the sign that would comply with our ordinance at that location. Mr. Kuhn answered if we had to do 40 square feet the only thing he could do to get that small would be to downsize the logo and take the text off and rely on logo recognition. He noted for the distance that you would need to see the text, it wouldn't be viewable on the sign. He noted that the smaller message boards would be ineffective unless you were right up on them.

Mr. Lucas noted if someone was approaching from the right lane would they not be able to see it unless they were pretty close. Mr. Kuhn answered that they could after the lane starts, but before that it would be tough. Mr. Lucas questioned if it would be the same thing if you were eastbound in the left lane. Mr. Kuhn answered that is correct. Mr. Lucas questioned if that would be due to the trees; since during the summertime the trees would further block the vision as they are sizeable street trees. Mr. Kuhn answered yes, especially the ones at Pep Boys. Mr. Lucas questioned if they were just planted. Mr. Kuhn answered no suggesting that they have been in for 20 plus years. Mr. Lucas noted that they are nice trees and in the summertime they will be full. Mr. Kuhn answered that is correct.

Mr. Joseph Lombardi noted that his home and work address is 43 Sunrise Terrace in Lake Ariel, Pennsylvania but the corporate headquarters are located in Camp Hill. He noted that he is the regional construction manager for this area to include Pennsylvania, Ohio, Kentucky, Mississippi and West Virginia.

Mr. Lucas noted that Mr. Lombardi's resume was included in the packet and he questioned what his background was. Mr. Lombardi answered that it is in construction noting that he has been a construction project manager for the past 35 years.

Mr. Lucas noted that Mr. Lombardi is familiar with this project and he questioned if this is a new design for Rite Aid. Mr. Lombardi answered that it is the flagship store, getting a lot of visibility from management. He noted that it is the new proto-type with the inside being decked out with everything that they can manage to make it a flagship store.

Mr. Lucas questioned what the concentration inside the store is that is different or what is the emphasis. Mr. Lombardi answered that the emphasis is on the pharmacy, visibility, more space and lighting and a sense of warmth when you enter the store.

Mr. Lucas questioned if the exterior of the building is a red brick. Mr. Lombardi answered that it is a multiple shape of brick with a design band that goes around the store and has a lower wainscoting that is a different color from the main brick plus he has some metal facades on it. Mr. Lucas questioned if it is different from the other stores. Mr. Lombardi answered yes as it is the new store proto type that is being built.

Mr. Lucas questioned what is on the sign. Mr. Lombardi explained that Rite Aid brands itself as a pharmacy. Mr. Lucas questioned if that is a key factor today for what you are. Mr. Lombardi answered yes knowing that people want to know where the Rite Aid stores are located and it is Rite Aid's hometown area.

Mr. Lucas questioned if the drive thru has become very prevalent for pharmacies in the last ten to 15 years. Mr. Lombardi answered super prevalent. He noted if you are only going to pick up a prescription, for last 14 years for McDonalds, it is almost the same thing that applies, as people who have a lot of children don't want to get out of the car when you go to the pharmacy as you can drop off or pick up refills and in some cases, people who are somewhat handicapped are able to stay in their car especially in bad weather. He noted that they drive under the canopy to pick up their prescriptions, noting that it is a big part of the business.

Mr. Lucas questioned if many of the local pharmacies don't have a drive in. Mr. Lombardi answered yes. He noted that part of the rebuild program is to relocate the existing stores that do not have a drive thru so that they are in a position to put a drive thru for the store, such as plaza stores or stores that were not positioned on properties that did not have a drive thru. He noted in many cases you cannot just attach a drive thru so part of his job is to find relocations for those existing Rite Aids so it can have a drive thru.

Mr. Lucas noted that it is important to have a drive thru. Mr. Lombardi answered that was correct.

Mr. Lucas noted that the store will be open 24 hours, is that unique or common. Mr. Lombardi answered that it is common in certain areas based on marketing research and the needs of the community; this store is designated as a 24 hour store. Mr. Lucas noted that it is important for that message be on the sign. Mr. Lombardi answered that was correct.

Mr. Lucas noted these are the messages that people need to see when they drive buy, the logo, drive thru and 24 hours. Mr. Lombardi answered that was correct.

Mr. Lucas questioned what the lowest part of the sign is. Mr. Lombardi answered that it is an electronic reader board much like the ones that you see up and down the main street. He noted that Rite Aid does a lot of advertisement for flu shots, vaccinations, and things of that nature as well as normal advertising such as banks do for CD rates.

Mr. Lucas noted that is the reason for each of the segments of the overall sign. Mr. Lombardi answered that was correct.

Mr. Lucas questioned if the competition in this market is adding reader boards as well. Mr. Lombardi noted that reader boards have been around for a while and it is like having a cell phone, what was good last month is not working this month. He noted that the old style reader boards were dirty, letters were missing and sometimes they would blow off and they were not attractive, and at night they are blurred due to the lighting involved. He noted that the new electronic reader boards are like having high definition TV in your home. He noted that they

have crisp and clean graphics. He noted that all of the stores graphics are operated out of the corporate headquarters so what appears on this Rite Aid sign will also appear on other Rite Aid signs.

Mr. Lucas noted that Mr. Kuhn described the location for the store, the highway, the lane turns, he questioned how important is it for people driving by to be able to get in the proper turn lane to get to the store and not to pass by it. Mr. Lombardi answered that it is very important as poor visibility causes people to slam on the brakes and make last minute hesitation turns. He noted that he has been building this store since July of 2014 and he still has to focus on where the store is located coming from either direction. He noted that there is no signage now so he visually has to think where he is going to make the turn to get in the correct lane. He noted that someone in the public who is traveling to the store and remembers that they need to pick up a prescription from Rite Aid needs to maneuver to get to the location. He noted that it is not that easy to see.

Mr. Lucas noted in addition to people who want or need to go to the store, they can pass by and miss the store. Mr. Lombardi answered, if you are not from the area, proper signage helps a lot.

Mr. Lucas noted if the Board was to grant this variance would the existing free standing sign will come down. Mr. Lombardi answered that was correct. Mr. Lucas noted that it would be a condition of the approval. Mr. Lucas noted that the other condition would be that Rite Aid gives up its rights to install the other two freestanding signs on Queen Avenue and Devonshire Road. Mr. Lombardi answered that was correct.

Mr. Lombardi noted that it is a new proto-typical sign so it is the first of its kind in writing. He noted that it is the first two-pole ID sign of this style and it matches the building. He noted that it is the flagship store and Rite Aid really wants to have everything the flagship represents and personally you can see that it would be very difficult to make the old sign nice and worthy of a flagship location. Mr. Lucas noted without the variance... Mr. Lombardi noted that he would have no choice but to make it as nice as he could possibly can.

Mr. Sirb questioned if the store will be open 24 hours a day. Mr. Lombardi answered that it the plan for now. Mr. Sirb questioned if the sign will be light 24/7. Mr. Lombardi answered that was correct.

Mr. Dowling questioned what the approximate size of the store is. Mr. Lombardi answered that it is 14,600 square feet. Mr. Dowling questioned if it is replacing another Rite Aid. Mr. Lombardi answered no as it is called a new-new.

Mr. Dowling questioned how many employees you plan to employee. Mr. Lombardi answered about 18 people for the store so there may be six people per shift.

Mr. Hansen questioned if the lower portion of the sign, the reader board will it be lite 24 hours. Mr. Lombardi answered that the entire board will be lite 24 hours. Mr. Hansen questioned

how the top portion is lite. Mr. Lombardi noted that it is internally illuminated with LED lighting. Mr. Hansen questioned if it would be similar to the one that was located on Linglestown Road. Mr. Lombardi answered that it was an older sign that he took a picture to show what it would look like for the kind of messages that would come up on the reader board. He noted that sign is about four years old.

Mr. Hansen questioned how high the Best Buy sign is. Mr. Lombardi suggested that it is over 30 feet. Mr. Dowling noted that he thinks the Board approved that sign. Mr. Hansen noted that he knew. Mr. Lombardi suggested that it is about 100 square feet in size.

Mr. Lucas noted that the reader board is not the largest portion of the proposed sign. Mr. Lombardi answered that was correct.

Mr. Lucas noted that Mr. Kuhn could answered what the square footage is for any portion of the sign. Mr. Kuhn explained that the main cabinet is 47 square feet; the drive thru is seven square feet; open 24 hours is nine and a half square feet and the electronic message center is 19 square feet.

Mr. Lucas noted that it is not the largest electronic message board on Jonestown Road. Mr. Kuhn answered no. He noted that Member's First is larger.

Mr. Sirb questioned if it was the only 24/7 message board. Mr. Dowling suggested that it maybe for now but not for next year. Mr. Lombardi suggested that most stores leave their signs going all night long as a matter of continued advertising. Mr. Lucas noted when you go past the Paxton Towne Center there is a south side jeweler that advertises that we buy gold and it is on when they are closed. Mr. Lombardi noted that there are other businesses that close at 5 p.m. and they have their message boards going. Mr. Lucas noted that Member's First is always on until at least late at night maybe 11 p.m. or midnight and Mid Penn Bank is also on.

Mr. Sirb questioned how many sentences are on the reader board, four or five. Mr. Lombardi answered that it can be changed to one word taking all the space. Ms. Cate questioned if you can change the size of the words. Mr. Lombardi answered yes but obviously you will limit it to what you can get for an entire message on the board. He noted that the message stays on the board a while before it is switched.

Mr. Turner questioned Ms. Zerbe how frequent the changes can be made to the message board. Ms. Zerbe answered that it is one minute.

Mr. Sirb noted that it is a quality sign, lite 24/7, just like sitting in his living room watching high definition TV as he drives the highway.

Mr. Lucas noted that he would make that Exhibit A-5 (Sheet 6). Mr. Dowling noted that he would admit the exhibits. Mr. Lucas noted that he is aware that it is a one minute limit but he is asking that in the narrative of the application that since the sign is non-conforming that it sets a

physical constraint for the property because he has a non-conforming sign and that he can use it even though it does not conform to the zoning regulations. He noted that it is better to utilize it or expand it or replace it, as it creates a hardship for the physical constraint of the property. He noted that it is not a usual straight variance case in that respect. He noted that it is a better sign that what is currently in place, and there are constraints for the location and it will restrict the use of the other two allowable free standing signs with the removal of the existing sign. He requested approval of the variance with the two conditions.

Mr. Dowling questioned Ms. Zerbe if the Township has an opinion on this application. Ms. Zerbe answered no, noting that moving the sign back from its current location would be a good thing for public safety.

Mr. Dowling questioned if the Board members had any questions.

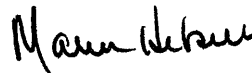
Mr. Dowling noted that the Board has 45 days to render a decision with respect to this application and he questioned if any members of the Board wish to take action at this time on Docket 1370.

Mr. Turner noted that we should ask if anyone in the audience wants to be heard on this application. Mr. Turner wanted to have the record reflect that no response was heard.

Mr. Sirb made a motion to approve the variance for Docket #1370 as submitted, with two conditions: that the current free standing sign must be removed and that the two additional 40 square foot free standing signs will not be used at this property. Mr. Hansen seconded the motion. Mr. Turner conducted a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Dowling, aye. Mr. Dowling noted the application has been approved.

The hearing ended at 7:40 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
RITE AID CORPORATION : DOCKET NO. 1370

DECISION REGARDING APPLICATION FOR VARIANCE

The applicant seeks variance from maximum area regulations for a free-standing sign in connection with the construction of a retail drug store. A hearing on the application was held on January 22, 2015.

Facts

1. The applicant and owner of the property in question is Rite Aid Corporation of 30 Hunter Lane, Camp Hill, Pennsylvania 17011. The applicant was represented at the hearing by Ronald Lucas, Esq. Appearing on behalf of the applicant was Justin Kuhn, Project Engineer, and Joseph Lombardi, Regional Construction Manager.

2. The property in question is located on the southwest corner of Jonestown Road and Devonshire Road and consists of an approximately square lot which is zoned Commercial, C-1.

3. The property owner proposes to erect a new free standing sing on the property with a sign area of 82.92 square feet. This sign would be 20 feet tall and would be located at the northeast corner of the property. In connection with the new building the applicant proposes to erect a freestanding sign with a total area of 98.69 square feet. The top of the sign would have the "Rite Aid" name and the word "pharmacy" and the words "Drive Thru" and "Open 24 Hours" while a changeable copy/message board would be erected below.

4. The proposed free-standing sign would replace a pre-existing sign which has a sign area of 105 square feet. The existing sign is located five feet from the right of way and overhangs the sidewalk on the property.

5. The property is bordered on 3 sides by public streets and could have multiple free-standing signs because of the multiple frontages. The applicant proposes to erect only one free-standing sign upon the property if the variance is approved.

6. Notice of the hearing was posted and advertisement made as required by the ordinance.

7. No one other than the applicant's representatives appeared before the Board to testify either in favor of or against the proposed variance.

Conclusions

1. Article 714 of the ordinance restricts freestanding signs to 40 square feet. The proposed sign would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship in that visibility is obscured by surrounding improvements and natural features, such as street trees. These factors make location of the business difficult in time to make the necessary traffic maneuvers, given the multiple lanes of Route 22. Adequate identification in the form of the proposed sign is necessary to identify the site safely.

4. Granting the variance requested will not alter the essential character of the neighborhood. The sign is small than the existing sign on the property and its relocation will eliminate an encroachment upon the public right of way. There will be no alteration of the character of the neighborhood, which is heavily commercial, and the sign as proposed conforms

more closely to the ordinance than the existing sign. The public will further benefit by the elimination of the possibility of there being additional free-standing signs upon the property.

Decision


In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the application for variance from maximum area for a pole sign is granted on the condition that there be no further pole signs erected upon the property and that the existing free-standing sign be removed. In all other respects, construction of the sign shall be in strict conformity with the plans and testimony submitted to the Board.

Date: 2/19/15

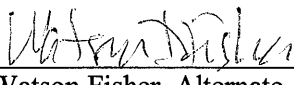
LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD


David B. Dowling


Sara Jane Cate


Gregory Sirb


Allen Hansen


Watson Fisher, Alternate

Board member Staub abstained from participating in this matter.